

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#24  
IDS w/attach  
Petition  
5.1.03

Applicant: Jestin et al.

Title: CIRCOVIRUS SEQUENCES ASSOCIATED  
WITH PIGLET WEIGHT LOSS DISEASE  
(PWD)

Appl. No.: 09/514,245

Filing Date: 02/28/2000

Examiner: Ali Reza Salimi

Art Unit: 1648

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PETITION REQUESTING CONSIDERATION  
OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. § 1.97(d)(2)

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Examiner the documents listed on the attached PTO/SB/08. This Information Disclosure Statement is being filed after an Ex Parte Quayle Action, but before payment of the issue fee and is accompanied by the Petition fee of \$130.00 and a certification as specified under § 1.97(e). Applicants respectfully petition and request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Certification: Based on reasonable inquiry, no document listed in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and no document listed in this Information Disclosure

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Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

Copies of the listed documents are attached.

The NCBI sequence revision history of the nucleotide sequence disclosed in Hamel *et al.*, GenBank accession No. AF027217, came to Applicants' attention not more than three months before filing the present Information Disclosure Statement. A copy of Hamel *et al.* was already submitted as A4 in the Form PTO-1449 on June 26, 2000 and considered on September 2, 2002. The NCBI sequence revision history indicates that the AF027217 sequence was first seen at NCBI on December 17, 1997, which is earlier than the publication date of Hamel *et al.*, June 1998. Thus, Applicants submit a copy of GenBank information on the AF027217 and the NCBI sequence revision history for the Examiner's further consideration.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 19-0741.

Respectfully submitted,

Date 4/28/3


FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

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